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6 **Attorneys for Defendant**  
7 **NUANCE COMMUNICATIONS, INC.**

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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 THE PHOENIX INSURANCE COMPANY, a  
12 Connecticut corporation; and THE  
13 TRAVELERS INDEMNITY COMPANY, a  
Connecticut corporation,

14 Plaintiffs,

15 v.

16 INFINITY CONTACT, INC., an Iowa  
17 corporation; and NUANCE  
COMMUNICATIONS, INC., a Delaware  
corporation,

18 Defendants.

CASE NO. 3:13-cv-05905-RS

**JOINT STIPULATION AND**  
**~~PROPOSED~~ ORDER TO EXTEND**  
**DEADLINE TO RESPOND TO**  
**COMPLAINT AND TO EXTEND**  
**INITIAL COURT ORDERED**  
**DEADLINES**

**DEMAND FOR JURY**

Judge: Honorable Richard Seeborg

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 6-1(b), Defendants INFINITY CONTACT, INC. (“Infinity”) and NUANCE COMMUNICATIONS, INC. (“Nuance”) (collectively, “Defendants”) and Plaintiffs THE PHOENIX INSURANCE COMPANY and THE TRAVELERS INDEMNITY COMPANY (“Plaintiffs”), by and through their attorneys, hereby stipulate as follows:

WHEREAS, on December 19, 2013, Plaintiffs filed a Complaint with the clerk of the District Court for the Northern District of California;

WHEREAS, on December 20, 2013, the Court issued its Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. #5) (the “Court’s Initial Order”);

WHEREAS, pursuant to the Court’s Initial Order, the following deadlines were established:

Deadline to Meet and Confer and file ADR Certification and Notices	April 1, 2014
Deadline for Filing Rule 26(f) Report, Completing Initial Disclosures, and Filing Joint Case Management Statement	April 15, 2014
Case Management Conference	April 17, 2014

WHEREAS, Plaintiffs did not request waiver of service from Defendants and deferred service of the Complaint in order to confer with Defendants about potential resolution of the issues short of litigation. Specifically, the parties discussed whether and to what extent Travelers would be willing to contribute to the settlement of the claims against Infinity and Nuance in the Underlying Lawsuit, as defined in the Complaint;

WHEREAS, on March 5, 2014, approximately three weeks ago, Plaintiffs served Nuance with the Complaint;

WHEREAS, on March 6, 2014, approximately three weeks ago, Plaintiffs served Infinity with the Complaint;

WHEREAS, under Federal Rule of Civil Procedure 12(a)(1), Nuance’s and Infinity’s current deadline to answer or otherwise respond to the Complaint are March 26, 2014 and March 27, 2014, respectively;

WHEREAS, Defendants and Plaintiffs have agreed to an extension of the current deadlines to answer or otherwise respond to the Complaint until April 10, 2014, so that parties may engage in settlement discussions; so that Defendants may properly investigate, evaluate, and respond to Plaintiffs' claims; and so as to allow the parties the opportunity to properly prepare for the Case Management Conference in the event a resolution is not immediately reached;

WHEREAS, counsel for all parties further agreed to an extension of the deadlines set by the Court's Initial Order as follows:

Deadline to Meet and Confer and file ADR Certification and Notices	May 1, 2014
Deadline for Filing Rule 26(f) Report, Completing Initial Disclosures, and Filing Joint Case Management Statement	May 9, 2014
Case Management Conference	May 15, 2014

WHEREAS, no party will be prejudiced by the stipulated-to extension;

WHEREAS, this stipulation is without prejudice to, or waiver of, any rights or defenses otherwise available to the Parties in this action;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the parties hereto that:

- 1) Defendants shall have through and including **April 10, 2014** to answer or otherwise respond to the Complaint in this action;
- 2) Deadline for the parties to meet and confer and file ADR certification and notices shall be **May 1, 2014**;
- 3) Deadline for filing Rule 26(f) Report, completing initial disclosures, and filing joint case management statement shall be **May 9, 2014**; and

1           4) The initial case management conference shall be scheduled for **May 15, 2014.**  
2 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**  
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4 Dated: March 25, 2014

Respectfully submitted,

By: /s/ Mark D. Peterson

Mark D. Peterson

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*Attorneys for Plaintiffs*

*The Phoenix Insurance Company and The  
Travelers Indemnity Company*

12 Dated: March 25, 2014

Respectfully submitted,

By: /s/ Alan Palmer Jacobus

Alan Palmer Jacobus

Offices of Alan Palmer Jacobus

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*Attorneys for Defendant*

*Infinity Contact, Inc.*

19 Dated: March 25, 2014

Respectfully submitted,

By: /s/ Michael T. Jones

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*Attorneys for Defendant*

*Nuance Communications, Inc.*

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2  
3 DATED: 3/26/14

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5 HONORABLE RICHARD SEEBORG  
6 United States District Judge  
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